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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/599,496	07/12/2007	Jeffrey Wilson	DYOUPO322US	9834		
23908	7590	12/28/2009	EXAMINER			
RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115				GETACHEW, EZANA		
ART UNIT		PAPER NUMBER				
2617						
MAIL DATE		DELIVERY MODE				
12/28/2009		PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/599,496	WILSON, JEFFREY	
	<b>Examiner</b>	<b>Art Unit</b>	
	EZANA GETACHEW	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 September 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 9-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 9-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 September 2006 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>09/29/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Astrom (US. 6108559).

**As per claims 9 and 13,** Astrom teaches a telecommunications services apparatus for use in a mobile telecommunications network (see Astrom e.g. 22, 24 and 26 of fig 2) the apparatus comprising: means for processing received text messages and call routing means operable ( see Astrom e.g. 24 of fig 2, column 4 lines [36-38] The service center address received from the mobile unit is translated into routing information and the message is forwarded to the IWMSC/GMSC); to receive a routing information request signal (see Astrom e.g. 5 of fig 3)indicative of a text message intended for a mobile terminal (see Astrom e.g. column 5 lines [43-45] the SC-B signals the HLR to receive routing information, i.e. the address of the visited MSC associated with the recipient's mobile station); to return a routing information response signal ( see Astrom e.g. 6 of fig 3) indicative of the telecommunications services apparatus instead of being indicative of the intended mobile terminal (see Astrom e.g. column 5 lines [52-54] the HLR returns routing information indicating the visited MSC (VMSC) which services the area where the recipient's mobile is currently located to SC-B) and to control availability ( see

Astrom e.g. 6 of fig 7) of processing of the text message based on subscriber specific information (see Astrom e.g. column 5 lines [52-44] This delivery may include the address of the originator's service center, i.e., SC-A, so that the VMSC can provide an appropriate delivery acknowledgement signal back to the SMS-GMSC, i.e., indicating the outcome of the delivery attempt, which in turn can be forwarded to the service center of the message originator (SC-A). Thus, should the SMS message fail to be delivered, e.g., if the recipient's mobile unit is powered off, SC-A will re-try delivery at an appropriate time); wherein the network includes a home location register storing said subscriber specific information so as to control the availability of text message processing ( see Astrom e.g. column 3 lines [23-27] Routing the message through an originator's service center has, for example, an advantage that the originator of the message can design his or her personal message service, e.g. distribution lists, storing copies of messages before they are sent).

**As per claims 10 , and 14,** Astrom teaches the home location register includes a settable flag for controlling the availability of the text message processing ( see Astrom e.g. column 5 lines [25-28] the HLR has the recipient marked as a subscriber to enhanced messaging services, e.g., by setting an enhanced messaging services indicator (EMSI) flag for this recipient).

**As per claims 11, 12 ,15 and 16** Astrom teaches the text message processing includes copying and/or diversion of the text message, interception of the text message, providing location privacy, anti-spam protection, access to diverted messages, and/or access to messages from other messaging systems ( see Astrom e.g. column 3 lines [48-55] Preferences set by MTSM recipients may include media conversion, scheduled delivery of SMS messages, copying and distribution of received SMS messages and storage of SMS messages. Moreover, users could

restrict the types of SMS messages which they actually want delivered, e.g. to screen out annoying advertisements).

**As per claims 17** Astrom teaches, A computer program product having a computer readable medium having recorded thereon a computer program having computer executable instructions ( see Astrom fig 3 inherently the steps are processed with a computer program that is stored) the steps are processed using computer program),which when loaded on to a computer is operable to cause the computer to perform a telecommunications services method for a mobile telecommunications network (see Astrom e.g. 22, 24 and 26 of fig 2) the method comprising: receiving in a telecommunications services apparatus a routing information request signal indicative of a text message intended for a mobile terminal (see Astrom e.g. column 5 lines [43-45] the SC-B signals the HLR to receive routing information, i.e., the address of the visited MSC associated with the recipient's mobile station); returning a routing information response signal indicative of the telecommunications services apparatus instead of being indicative of the intended mobile terminal (see Astrom e.g. column 5 lines [52-54] the HLR returns routing information indicating the visited MSC (VMSC) which services the area where the recipient's mobile is currently located to SC-B); and controlling availability of processing of the text message based on subscriber specific information (see Astrom e.g. column 5 lines [52-44] This delivery may include the address of the originator's service center, i.e. SC-A, so that the VMSC can provide an appropriate delivery acknowledgement signal back to the SMS-GMSC, i.e., indicating the outcome of the delivery attempt, which in turn can be forwarded to the service center of the message originator (SC-A). Thus, should the SMS message fail to be delivered, e.g., if the recipient's mobile unit is powered off, SC-A will re-try delivery at an appropriate

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time); wherein the network includes a home location register storing said subscriber specific information so as to control the availability of text message processing ( see Astrom e.g. column 3 lines [23-27] Routing the message through an originator's service center has, for example, an advantage that the originator of the message can design his or her personal message service, e.g., distribution lists, storing copies of messages before they are sent).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant' disclosure.

- A). Hiltunen (U.S. 6754484) Short messaging using information beacons.
- B). Allison (U.S. 6819932) Methods and systems for preventing delivery of unwanted short message service (SMS) messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EZANA GETACHEW whose telephone number is (571)270-7271. The examiner can normally be reached on Monday to Friday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EZANA GETACHEW/  
Examiner, Art Unit 2617

/KAMRAN AFSHAR/  
Primary Examiner, Art Unit 2617